

**REMARKS**

Favorable reconsideration of this application, in light of the following remarks, is respectfully requested. Claims 1-2, 4, 13, 15-18, 20-23, 25, 29, 31-34, 36 and 40-44 are pending in this application. By this Request, no claims are added, cancelled, or amended. Claims 1, 15, 16, 17, and 18 are the independent claims.

**Rejections under 35 U.S.C. § 102**

The Examiner has rejected claims 1, 2, 4, 13, 15-18, 20-23, 25, 29, 31-34, 36 and 40-44 under 35 U.S.C. § 102(e) as being anticipated by Ando et al. (U.S. Patent Publication No. 2001/0046371, hereinafter "Ando") in view of Nakai et al. (U.S. Patent No. 5,999,698, hereinafter "Nakai"). Applicants respectfully traverse this rejection for the reasons detailed below.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (Emphasis Added). *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Because the Examiner relies upon *multiple* references (e.g., Ando and Nakai) for disclosing the features of the pending claims, these references cannot possibly anticipate independent claim 1, or any other pending claim. As such, Applicants respectfully request that this rejection be withdrawn.

In addition, Applicants submit that Ando and Nakai, alone or in combination, fail to render independent claim 1 obvious to one of ordinary skill in the art within the meaning of 35 U.S.C. §103(a). The combination, at most, teaches a Program Chain (PGC) management structure for reproducing still pictures at different times *only* when audio data is being reproduced (Ando) and a "repeat button" for reproducing an interval of audio-visual data selected by a user (Nakai). However, the combination of

these references, substantially fails to disclose or suggest the features of claim 1 for the reasons discussed below.

Claim 1 requires that a playlist file include at least one *playitem* and at least one *sub-playitem*. The playitem indicates an in-point and out-point of the first stream file for reproducing the at least one still image, and the sub-playitem indicates an in-point and out-point of the second stream file for reproducing the audio data. In other words, claim 1 requires a playitem and sub-playitem file structure. In contrast, Ando teaches a program chain (PGC) file structure that contains *cell information* for reproducing audio data, where one still image is reproduced at a specified reproducing time indicated by the still picture entry. The presentation of the still picture is **directly dependent** upon the audio data. See Ando, FIGS. 6B, 7-10, 12, 28A and B, and 43-48, paragraphs [0170-195].

This file structure of Ando is completely different from the file structure of independent claim 1. First, Ando uses a PGC file structure, which is not the same as the playitem and sub-playitem file structure of claim 1. Second, the management structure of Ando does not use a “playitem” that indicates an in-point and out-point of the first stream file, and a “sub-playitem” that indicates an in-point and out-point of the second stream file.

Furthermore, in contrast to the Examiner’s assertions, Ando does not disclose or suggest the playlist file including sync information, where the sync information identifies “*whether* reproduction being indicated by the at least one playitem is *synchronized* with reproduction being indicated by the at least one sub-playitem” as required by independent claim 1. There is no reason to include “sync information” in Ando because the presentation of still pictures is **always dependent** upon the presentation of the audio data. See Ando, FIGS. 6B, 7-10, 12, 28A and B, and 43-48, paragraphs [0170-195], and paragraphs [0154]-[0169]. In contrast, in the claimed

invention, the presentation of still images is independent on the presentation of the audio data. Nakai fails to overcome these deficiencies as well.

Also, in contrast to the Examiner's assertions, Nakai fails to disclose or suggest "repeat information indicating whether to repeat the reproduction indicated by the at least one sub-playitem" as required by independent claim 1. For instance, claim 1 requires that a playlist file include repeat information, which indicates whether or not to reproduce the reproduction indicated by the sub-playitem. In contrast, Nakai illustrates a "repeat button" on a remote control. See Nakai, FIG. 5. The "repeat button" allows the user to select an interval of presentation data to be repeated. See Nakai, column 34, lines 5-46. First, the "repeat button" does not repeat reproduction indicated by **the sub-playitem**. Rather, it is selected by a user. Second, for reasons that are apparent, the "repeat button" is not incorporated into a data structure such as a playlist file. As such, Nakai fails to disclose or suggest this limitation as well.

Therefore, the combination of Nakai and Ando, substantially fails to disclose or suggest the features of independent claim 1. As stated above, the combination, at most, discloses a Program Chain (PGC) management structure for reproducing still pictures at different times **only** when audio data is being reproduced and a "repeat button" for reproducing an interval of audio-visual data selected by a user. In addition, it is unclear *how* the "repeat button" of Nakai could be combined in the PGC data structure of Nakai. As such, Nakai and Ando, alone or in combination, fail to render independent claim 1 obvious to one of ordinary skill in the art. Independent claims 15, 16, 17, and 18 contain features similar to the above-identified features of claim 1, and therefore are patentable for at least the same reasons stated above. The dependent claims, dependent on claims 1, 15, 16, 17 and 18, are patentable for at least the same reasons stated above. Therefore, Applicants respectfully request that this rejection be withdrawn.

**CONCLUSION**

Accordingly, in view of the above remarks, reconsideration of the objections and rejections and allowance of each of claims Gary D. Yacura in connection with the present application is earnestly solicited.

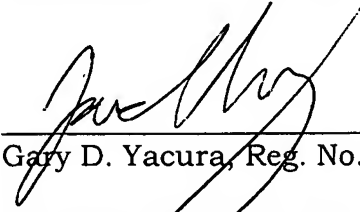
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

  
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